

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CURT ADKISSON,

Plaintiff,

v.

SAFECO INSURANCE COMPANY OF
INDIANA,

Defendant.

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Case No. 6:23-cv-146-JDK-JDL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Curt Adkisson filed this action against Defendant Safeco Insurance Company of Indiana in Texas state court on February 20, 2023, asserting claims for breach of contract, breach of the duty of good faith and fair dealing, and violations of the Texas Insurance Code. Docket No. 3. Defendant removed the case to federal court on March 24, 2023. Docket No. 1. On September 13, 2024, Defendant filed a motion for summary judgment. Docket No. 34. The motion was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the motion. Docket No. 36.

On November 15, 2024, Judge Love issued a Report recommending that Defendant's motion for summary judgment be granted. Docket No. 39. No objections to the Report were filed, and the period in which to do so has passed.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and


Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 39) as the findings of this Court. It is therefore **ORDERED** that Defendant's motion for summary judgment (Docket No. 34) is **GRANTED** and this case is **DISMISSED** with prejudice.

So ordered and signed on this

Dec 9, 2024


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE